

Remarks

Claims 1-37 and 43-55 are pending. Claims 44-46 are allowed. Claims 1-37, 43, and 47-55 are rejected.

Claims 1-11, 14-15, 21 and 47-51 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang (U.S. Patent No. 5,898,904) in view of Pester, III (U.S. Patent No. 5,475,732), hereinafter Pester. Claims 12-13, 16-20, and 27-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Pester, further in view of Rai et al. (U.S. Patent No. 6,577,643), hereinafter Rai. Claims 22-26 and 52-55 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Pester and Rai, further in view of Doty et al. (U.S. Patent No. 6,795,863), hereinafter Doty. Claims 30, 32, and 34-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Pester, further in view of Feuerstein et al. (U.S. Patent No. 6,141,565), hereinafter Feuerstein. Claims 31 and 33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Pester, further in view of Marinho et al. (U.S. Patent No. 6,738,637), hereinafter Marinho. Claims 36, 37, and 41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Pester, further in view of Zendle (U.S. Patent No. 6,757,268), hereinafter Zendle. Claim 43 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Pester, further in view of Blakeney, II et al. (U.S. Patent No. 5,640,414), hereinafter Blakeney.

Wang and Pester Fail To Teach All The Claimed Limitations

With regard to claims 1, 21, and 47, Wang fails to teach, disclose, or suggest each distribution point operative to forward the information packet to the access point defining the coverage area containing the subscriber unit if the information packet destination is to one of the plurality of subscriber units within the coverage area of the access point in communication with the distribution point. Instead, Wang's "[b]ase station 1003 transmits the message received from pager 1005 to network control center 1009," col. 8, ll. 61-62.

Network control center 1009 is not the claimed access point. Moreover, Wang cannot forward the information packet to the access point defining the coverage area containing the subscriber unit if the information packet destination is to one of the plurality of subscriber units within the coverage area of the access point in communication with the distribution point as Examiner admits that Wang does not teach, disclose, or suggest determining if the information packet destination is to one of the plurality of subscriber units within the coverage area of an access point in communication with the distribution point, Office Action, January 9, 2007, p. 4.

With regard to claims 1, 21, and 47, Wang fails to teach, disclose, or suggest each distribution point operative to forward the information packet to one of the additional distribution points in communication with the distribution point. Instead, Wang's "base station 1003 transmits [a] message . . . to . . . subscriber 1005A," col. 8, ll. 54-56, and "[b]ase station 1003 transmits the message received from pager 1005 to network control center 1009," col. 8, ll. 61-62. Wang's subscriber and network control center are not the claimed additional distribution points.

With regard to claims 1, 21, and 47 Pester fails to teach, disclose, or suggest each subscriber unit sending and receiving information packets using a wireless communication link. Examiner asserts that this limitation may be found in "Pester's links 24, 26, 28 and 32 in fig. 1." Office Action, January 9, 2007, p. 2. Pester, however, states that

The broken lines connecting the SPs together may be analog trunks or voice or similar circuits. The SPs in a given region are connected together by local trunks 22, 24, 26 in the left region and 28, 30, 32 in the right region.

Col. 4, ll. 2-5.

Pester's "analog trunks or voice or similar circuits" are not wireless communication links.

With regard to claims 1, 21, and 47 Pester fails to teach, disclose, or suggest each distribution point operative to forward the information packet to one of the additional distribution points in communication with the distribution point if the information packet

destination is not to one of the plurality of subscriber units within the coverage area of the access point in communication with the distribution point. Examiner attempts to find this limitation in SP 40 of Pester's Figure 1 and the following passages of Pester:

The operation of placing a call from EO2 to EO4 may be described as follows: The user at EO2 picks up his phone and dials the number that resides in EO4. The SP generates an Initial Address Message (IAM). This message would have the destination point code of EO4, namely, point code 255-201-104. It would have an originating point code of EO2, namely, 246-103-002, in addition to miscellaneous other information needed for call set-up. That message would then be sent to either STP1 or STP2. Assuming that the message goes to STP1, STP1 would look at the message and determine that the message was not for it as an STP but rather is for EO4. STP1 would then investigate possible routings to get to 255 or EO4. B and D links are available and STP1 would choose one of the two. Assuming that it chooses the B link to STP3, STP3 repeats the same procedure. It determines that the message is for 255 or EO4 and puts that message on the A link to EO4.

Col. 5, ll. 1-17.

ICN trunk 34 of Pester, however, does not carry SS7 messages, e.g., IAM, between AT1 38 and AT2 40.

With regard to claim 43, Examiner used the same arguments to reject claim 43 that Examiner used in rejecting claim 1. Although these claims have different scope, the same arguments used in claim 1 apply. Additionally, Examiner fails to cite any teaching that the listing is based on maintaining a minimum quality of service in a path to the destination distribution point as required by claim 43.

Examiner Fails To Establish A *Prima Facie* Case Of Obviousness

With regard to claims 1, 21, and 47, Examiner states that

It would have been obvious . . . to use the capability of determine if the information packet destination is to a subscriber

unit within the coverage area of an access point in communication with the distribution point by Pester. This capability can be combined with the distribution point, as taught by Pester. The suggestion/motivation to do so would have been to provide convenience of access by users.

Office Action, January 9, 2007, pp. 4-5.

Examiner thus suggests that Wang's base stations can be modified to determine if the information packet destination is to one of the plurality of subscriber units within the coverage area of an access point in communication with the distribution point. Wang, however, teaches away from such functionality for its base stations. As explained above, Wang's "base station 1003 transmits [a] message . . . to . . . subscriber 1005A," col. 8, ll. 54-56, and "[b]ase station 1003 transmits the message received from pager 1005 to network control center 1009," col. 8, ll. 61-62. Wang's "network control center 1009 sends a message to subscriber 1006A's paging service 1017, notifying subscriber 1006A that he has a message from subscriber 1005A at network control center 1009 [and] when the message is received by paging service 1017, the message is sent to transmitter 1025 . . . and transmitted to pager 1006." Col. 9, ll. 9-18. Examiner's suggestion to modify Wang with Pester is not technically feasible as such modification implicates the operation of Wang's network control center and paging services and renders Wang inoperable for its intended purpose.

Assuming, *arguendo*, that Wang's base stations could be modified to determine if the information packet destination is to one of the plurality of subscriber units within the coverage area of an access point in communication with the distribution point, a user would be unaware that such functionality resides with the base stations and therefore the statement "provide convenience of access by users" does not make any technical sense. Examiner, thus, has failed to provide any motivation to combine the references.

With regard to claim 43, Examiner fails to cite any motivation to combine the references as Examiner's explanation is directed to limitations, e.g., "queuing packets within non selected subscriber units for later transmission," not found in claim 43 and art, e.g., "Tran

and Jones,” not cited against claim 43. Moreover, for the reasons explained above, the references cannot be combined to yield Applicants’ invention.

The dependent claims are patentable because they depend from one of the independent claims.

Applicants’ Attorney believes the claims are in a condition for allowance. Applicants’ Attorney respectfully requests a notice to that effect. Applicants’ Attorney also invites a telephone conference if Examiner believes it will advance the prosecution of this case.

Please charge any fees or credit any overpayments as a result of the filing of this paper to deposit account number 02-3978.

Respectfully submitted,

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